

DEVELOPMENT REVIEW COMMITTEE

Tuesday, August 27, 2019

MEETING MINUTES

The Monroe County Development Review Committee conducted a meeting on **Tuesday, August 27, 2019**, beginning at 1:00 p.m. at the Marathon Government Center, Media & Conference Room (1st floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER by Bradley Stein

ROLL CALL by Debra Roberts

DRC MEMBERS

Cheryl Cioffari, Acting Assistant Director of Planning and Environmental Resources	Absent
Bradley Stein, Development Review Manager	Present
Mike Roberts, Sr. Administrator, Environmental Resources	Absent

STAFF MEMBERS

Steve Williams, Assistant County Attorney	Present
Devin Rains, Planning & Development Permit Services Manager	Present
Devin Tolpin, Senior Planner	Absent
Brittany Burtner, Senior Biologist	Present
Liz Lustberg, Planner	Present
Corey Aitken, Planner	Present
Debra Roberts, Senior Coordinator	Present

APPLICANTS & PUBLIC PRESENT

Kevin Barlow	Van Fischer, Esq.	Dan Iarrobino
Michael Bloch	James Hupp	Peter Romero
Nancy Bloch	Nancy Hupp	Chelsea Vanazia

CHANGES TO THE AGENDA

There were no changes to the agenda.

MINUTES FOR APPROVAL

Approval of the meeting minutes for Tuesday, June 25, 2019.

MEETING

1. MOBILE HOME HOLDINGS SUNCREST, LLC, 5176 SUNCREST ROAD, STOCK ISLAND, MILE MARKER 4.5: A PUBLIC MEETING CONCERNING A REQUEST FOR A MINOR CONDITIONAL USE PERMIT. THE REQUESTED APPROVAL IS REQUIRED FOR THE DEVELOPMENT OF A PROPOSED AFFORDABLE HOUSING RE-DEVELOPMENT, DEED RESTRICTED AS EMPLOYEE HOUSING, WITH 8 DWELLING UNITS, COMPRISED 1 NEW UNIT AND 7 REPLACEMENT UNITS. THE SUBJECT

PROPERTY IS LEGALLY DESCRIBED AS LOTS 27 AND 28 AND ADJOINING BAY BOTTOM, SUN KREST SUBDIVISION (PLAT BOOK 1, PAGE 107), STOCK ISLAND, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00132680-000000. (FILE 2019-105)

Mr. Bradley Stein, Development Review Manager, explained to those present that although the DRC meeting is open to the public, it is an internal meeting. Applicants are encouraged to attend and public comments are accepted, but this is not the venue for lengthy exchanges.

Ms. Liz Lustberg, Planner, presented the staff report. This property has FLUM designations of Mixed Use Commercial and Residential Conservation, and the Land Use District is Mixed Use and Native Area. All of the proposed development is in the Mixed Use and Mixed Use Commercial areas, with none proposed in Native Area. The property has seven recognized ROGO exemptions. The applicant is proposing to add one more unit for a total of eight, and to deed-restrict all of them for employee affordable housing. This use and density complies with the Comp Plan, the Land Development Code and the Livable CommuniKeys Plan for Stock Island, and planning details meet the Code. Ms. Lustberg stated that she would explain some of the proposed conditions after Ms. Burtner's biology report.

Ms. Brittany Burtner, Senior Biologist, explained that what had been submitted meets the Land Development Code with some minor corrections being requested. The drainage plan needs to cover all impervious on site, not just new impervious. The parking lot landscaping will require calculations on the future-submitted plans to verify they meet the Land Development Code. There is a Class B district boundary buffer required between the Native and Mixed Use areas. Existing vegetation will likely cover this buffer but needs to be shown on the plans.

Ms. Lustberg then stated that staff is recommending approval of this Minor Conditional Use, though prior to the Development Order, the applicant will need to submit revised paving, grading and drainage plans to meet water quantity and quality requirements, and a revised site plan identifying the gross vehicular area associated with parking areas with wheel stops indicated on the parking spaces adjacent to the landscaping. The applicant had emailed in some plans reflecting some of these changes but they will need to be reviewed after formal submission. Conditions recommended are a ROGO allocation for one employee housing dwelling unit with affordable deed restrictions in place prior to issuance of the building permit. Employee housing units are restricted to households meeting the income and employment requirements of LDC Section 139-1(a)(6)(b); to households deriving at least 70 percent of their household income from employment in the County, and meeting the adjusted gross annual income limits for median income as defined in LDC Section 101-1. A Minor Conditional Use permit is not a final approval for certain development so the applicant must obtain a building permit for any improvements. New development and structures must be found in compliance with the Building Department, Floodplain Administrator and Office of the Fire Marshal. Public Works Division shall review any proposed work within County public rights-of-way and maintains the right to request revisions for any application for access permit.

Mr. Stein asked for staff comment or questions. There were none. Mr. Stein asked for agent input. Ms. Chelsea Vanazia thanked staff for their work on this file and indicated the final plans

showing the items discussed would be submitted. Mr. Stein asked for public comment. There was none. Public comment was closed.

Mr. Stein requested that Items 2 and 3 be read together.

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE / COMMERCIAL (MC), FOR PROPERTY LOCATED AT 1668 BOGIE ROAD, BIG PINE KEY, APPROXIMATELY MILE MARKER 30.5, AS PROPOSED BY BARLOW BUILDING CONTRACTOR, LLC; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY COMPREHENSIVE PLAN AND FOR AMENDMENT TO THE FUTURE LAND USE MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-037)

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY LAND USE DISTRICT (ZONING) MAP FROM IMPROVED SUBDIVISION (IS) TO MIXED USE (MU), FOR PROPERTY LOCATED AT 1668 BOGIE ROAD, BIG PINE KEY, APPROXIMATELY MILE MARKER 30.5, AS PROPOSED BY BARLOW BUILDING CONTRACTOR, LLC; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO THE LAND USE DISTRICT (ZONING) MAP; PROVIDING FOR AN EFFECTIVE DATE. (FILE 2019-036)

Mr. Devin Rains, Planning and Development Permit Services Manager presented the report on behalf of Cheryl Cioffari, Acting Senior Director of Planning and Environmental Resources. This is an application for a map amendment to the Future Land Use Map and the Land Use District Maps, which are reviewed for consistency with the Monroe County Comprehensive Plan and Land Development Code. Mr. Rains mentioned this specifically because part of the Comp Plan includes the Livable CommuniKeys Plan. Policy 101.192 with regards to the Livable CommuniKeys Master Plans is equivalent to the term “objectives” in the Comp Plan, and the term “action item” is equivalent to the term “policy.” So the Livable CommuniKeys Plan is a factor with regard to staff’s recommendations.

The property is located just off Bogie Drive on Big Pine Key and is currently in the Improved Subdivision Land Use District, with the existing FLUM of Residential Medium. The proposed FLUM is Mixed Use Commercial and the proposed Land Use District Map is for Mixed Use. The content is similar for both reviews so the net change in development, if approved as proposed, would result in a reduction of residential market rate dwelling units, a potential increase with TDRs of market rate residential units of 2.7, affordable residential unit increase would be the same, transient allocated would be a possibility, and non-residential square footage intensity would be a total of 3,713 square feet. The impact is found to be consistent with the requirements for approval in that regard. However, the proposed Land Use District Zoning

Amendments would introduce new non-residential commercial area opportunities within this current residentially zoned area, and the Big Pine and No Name Keys Livable CommuniKeys Plans have language which would prohibit the designation of new commercial land use districts beyond that contained in the plan. Therefore, this is anticipated to adversely impact community character within the surrounding area and is inconsistent with both the CommuniKeys Plan and Comp Plan. This language comes from Objectives 101.5, maintain and enhance the community character and protect natural resources by providing for the compatible distribution of land uses consistent with the designation shown on the Future Land Use Map; and, Action Item 12.1.3 from the Livable CommuniKeys Plan which states, "Prohibit the designation of new commercial land use districts beyond that contained in the Master Plan in order to protect existing viability of the U.S. 1 corridor area and community center overlay, and to prevent the perpetuation of sprawl or strip commercial zoning." An additional item as to the community center overlay runs along U.S. 1 on Big Pine Key, and the Comp Plan directs commercial development into that corridor area enhancement plan, which would direct the finding for a prohibition of commercial rezoning outside of that area.

Staff recommends denial of the proposed amendments from Residential Medium to Mixed Use Commercial, as well as denial of the FLUM designation from Improved Subdivision to Mixed Use. Mr. Rains outlined the process, indicating that a community meeting had been held as required, that the required DRC meeting is today, and the following step will be to go to the Planning Commission which is an actual hearing. The Planning Commission's recommendations would then be taken to the BOCC who make the final decision. Mr. Rains indicated he was available for questions.

Mr. Stein asked if the applicant was present and desired to speak.

Mr. Kevin Barlow, applicant, stated he had not been aware of the Planning Department's intention to deny until last Thursday. To his knowledge, since this building was built, it was designated nonconforming and commercial not-for-profit. This building is a twice-failed social center and with the restriction of not-for-profit rules it cannot sustain itself. The proposed change to commercial is to combine it with a social center and some profitable entity such as a bait shop or ice cream shop, something to create revenue, pay wages, and keep the social center open. This building has been commercial not-for-profit and the word commercial is the one he's stressing. The size of the land and building would not lend itself towards commercial sprawl. If it's accepted as commercial not-for-profit, his only request would be to remove the not-for-profit. Mr. Barlow added that there is a local property near this where a commercial permit was granted to vacant land to convert it to 12 parking spaces, a loading zone and outdoor storage area which is being used for commercial vehicles. This is also outside of the corridor and surely is contributing to commercial sprawl. Mr. Stein requested that Mr. Barlow provide any additional information he had to Ms. Cioffari for consideration prior to scheduling the Planning Commission meeting, and apologized for the timing of the report which, theoretically, is usually a week but could be as little as a day ahead of time for this internal meeting. Mr. Barlow added that he had been guided by the Planning Department and he believed the letter of understanding seemed to be going in his favor. The fee for the LOU was waived because of length of time the building had been nonconforming and expressed shocked about staff's denial.

Mr. Stein then asked for public comment.

Mr. James Hupp stated he lives in the area and is very familiar with the property, adding that there are many neighbors upset about the Planning Commission granting the other permit, also, and he drives by that five times a day. Concerning this property, there was a community meeting where Ms. Cioffari was present and witnessed a disturbed crowd of approximately 75 people, and there were no votes in favor of this zoning change. Mr. Hupp stated that Mr. Barlow had bought this property a couple of years ago knowing exactly what he was buying. It had been a great community center for a long period of time, it is in a residential area, and it is not a good idea to change it for any other reason. Just because there are only a few present speaking against this today, there are a lot of other people out there saying the same thing. This is not good for property values or the Key deer. If this change is given, Mr. Barlow will do whatever he wants with it and had mentioned a bar before. This current mention of an ice cream store is just padding.

Mr. Michael Bloch, another area resident, stated that today is the first he heard anything about a bait and tackle shop. At the meeting, Mr. Barlow had discussed a bar and pool tables. Mr. Barlow knew what he was buying when he bought the building and to now mention an ice cream parlor or bait and tackle is to make it sound better.

Ms. Nancy Bloch added that there is a “deed warranty” on the property and at the sale of the building to Mr. Barlow it specifically stated that it must stay within the covenants that were already in place. The property had been previously owned by Lower Keys Property Owners Association and used monthly, but volunteers are not what they used to be with everyone having to work so much today.

Ms. Nancy Hupp, also from the area, noted that Ms. Cioffari had been present for the public meeting and heard all of the pros and cons, and there were definitely more cons than pros. Additionally, the timing of this meeting is unfortunate as northerners who live down here for six months a year are not yet in town, while other local residents work during the daytime meetings.

Mr. Barlow then added that the reason he did not pursue an alcohol license was due to the objections of the local community and he was thinking of alternative uses that could provide revenue. Mr. Stein reiterated that he should provide any additional information to Ms. Cioffari to apply to this application. Mr. Barlow did not believe it would sway the opinion until the not-for-profit was dropped.

There was no further staff or public comments. Public comment was closed.

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY TIER OVERLAY DISTRICT MAP FROM TIER III-A TO TIER III AS REQUESTED BY DANIEL IARROBINIO FOR 2 PARCELS OF VACANT LAND LEGALLY DESCRIBED AS BLOCK 8 LOTS 17 & 18 CUTTHROAT HARBOR ESTATES CUDJOE KEY PLAT BOOK 4-PAGE 165 HAVING REAL ESTATE NOS. 00178450-000000 AND 00178460-000000. (FILE 2019-138)

Ms. Brittany Burtner presented the staff report. This application is to renew the Tier Overlay District from Tier III-A to Tier III for two parcels of vacant land on Cudjoe Key bounded on the north by U.S. 1, on the west by Low Key Fisheries, to the south is Improved Subdivision and homes, and to the east are two other vacant lots. Staff is recommending approval of the change from Tier III-A to Tier III. These parcels do not meet the requirements set out in the Land Development Code for Tier III-A. The vegetation on both parcels is not hardwood hammock, rather it is successional vegetation with some native species, but also contains significant amounts of invasive exotic plants. These two parcels do not meet the Tier III-A criteria so, by default, the Land Development Code says they must be Tier III.

Mr. Stein asked for staff questions or comments. There were none. Mr. Stein asked if the applicant or agent for the applicant would like to speak. Mr. Van Fischer and Mr. Dan Iarrobino both thanked staff for their work getting this corrected.

Mr. Stein then asked for public comment. There was none. Public comment was closed.

ADJOURNMENT

The Development Review Committee meeting was adjourned at 1:39 p.m.